

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**Form 7. Mediation Questionnaire**

*Instructions for this form: <https://www.ca9.uscourts.gov/forms/form07instructions.pdf>*

<b>9th Cir. Case Number(s)</b>	23-35136
<b>Case Name</b>	Maverick Gaming LLC v. United States of America
<b>Counsel submitting this form</b>	Matthew D. McGill
<b>Represented party/parties</b>	Maverick Gaming LLC

*Briefly describe the dispute that gave rise to this lawsuit.*

Plaintiff-Appellant Maverick Gaming LLC owns and operates cardrooms in the State of Washington and wishes to expand its gaming offerings to include additional games such as roulette, craps, and sports betting. But the State of Washington permits only Indian tribes to offer these types of games, pursuant to state-tribal gaming compacts that the U.S. Secretary of the Interior has approved under the Indian Gaming Regulatory Act ("IGRA"). The State of Washington makes it a crime for any nontribal entity, such as Maverick, to offer these types of games. Maverick filed this action, alleging that the Secretary of the Interior's approval of state-tribal compact amendments permitting only Washington's Indian tribes to offer sports betting violated IGRA, the Constitution's guarantee of equal protection, and the Constitution's anticommandeering doctrine.

The Shoalwater Bay Tribe intervened to move to dismiss Maverick's complaint under Rule 19 of the Federal Rules of Civil Procedure. The district court granted the Shoalwater Bay Tribe's motion to dismiss, concluding that the Tribe was a required party under Rule 19(a) that could not be joined because it is a sovereign immune from suit and that the suit should not proceed in the Tribe's absence.

The issues on appeal are (1) whether an Indian tribe is a required party under Rule 19(a) in a case against the federal government challenging its state-tribal IGRA gaming compact; and, if the tribe is a required party in such a case, (2) whether the action should proceed in equity and good conscience in the tribe's absence.

*Briefly describe the result below and the main issues on appeal.*

*Describe any proceedings remaining below or any related proceedings in other tribunals.*

There are no proceedings remaining below or related proceedings in other tribunals.

**Signature** s/ Matthew D. McGill

**Date** 03/01/2023

(use "s/[typed name]" to sign electronically-filed documents)